

EMERGENCY RULES EFFECTIVE SEPTEMBER 2, 2018

Title 15—ELECTED OFFICIALS

Division 30—Secretary of State

Chapter 70—Safe at Home: Address Confidentiality Program

This document is a compilation of the existing and proposed rules for the Safe at Home program.

This is not an official publishing of the Code of State Regulations.

PURPOSE: *These rules are being amended to update their content to align with statutory changes to the Safe at Home laws in 2018.*

EMERGENCY STATEMENT: *The secretary of state determined that this emergency amendment is necessary to preserve a compelling governmental interest. This emergency amendment is necessary to address statutory sections enacted in HB 1461 (2018), specifically sections 589.660 to 589.681, RSMo, which become law on August 28, 2018, and amend components of the Safe at Home program. Since 2007, the Safe at Home: Address Confidentiality Program has helped victims of domestic violence, rape, sexual assault, human trafficking, stalking, or other crimes who fear for their safety, as well as the safety of individuals residing in the same household as the victim, by authorizing the use of designated addresses for such victims, their minor children, and individuals residing with them. These services keep survivors' confidential addresses out of the hands of their assailants. The secretary of state needs this emergency rule to ensure that the rules associated with Safe at Home are active shortly after HB 1461 becomes law on August 28, 2018. This emergency rule will allow the secretary of state to continue operating Safe at Home effectively. The secretary of state finds there is a compelling governmental interest, which requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The secretary of state believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 23, 2018, becomes effective September 2, 2018, and expires February 28, 2019.*

15 CSR 30-70.010 Definitions. The secretary of state is amending sections (1), (4), (5), (12), and (14), adding a new section (2), and renumbering as needed.

(1) Address—A residential street address, school address, or work address of a Safe at Home Program participant.

(2) Address Confidentiality Program—A program to protect victims of domestic violence, rape, sexual assault, human trafficking, stalking, or other crimes who fear for their safety, as well as the safety of individuals residing in the same household as the victim, by authorizing the use of designated addresses for such victims, their minor children, and individuals residing with them.

(3) Authorization card/letter—Card or letter issued by the secretary of state to a Safe at Home Program participant upon certification to the Safe at Home Program, which includes the Safe at Home Program participant's name, authorization code, voter code, designated address, signature, and certification expiration date.

(4) Authorization code—A number assigned to a Safe at Home Program participant upon acceptance into the Safe at Home Program.

(5) Application—Standard application form provided by the secretary of state which must be completed by an applicant to the Safe at Home Program facilitated by an application assistant as defined by section 589.663, RSMo.

(6) Application assistant—An employee or volunteer of a government agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, human

trafficking, stalking, or other crimes and who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of the Safe at Home Program participation applications.

(7) Certification—The process by which an applicant is determined eligible to participate in the Safe at Home Program.

(8) Designated address—The address assigned to a Safe at Home Program participant by the secretary.

(9) Mailing address—An address that is recognized for delivery by the United States Postal Service.

(10) Program—The Safe at Home: Address Confidentiality Program established in section 589.663, RSMo.

(11) Program manager—Employee of the Office of the Secretary of State designated by the secretary to administer the Safe at Home Program pursuant to sections 589.660–589.681, RSMo.

(12) Program participant—A person certified by the secretary of state as eligible to participate in the Safe at Home Program.

(13) Qualified agency—A government agency or nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, human trafficking, stalking, or other crimes.

(14) Secretary—The secretary of state. This may also include the secretary of state's office and the secretary's designee.

(15) Voter code—A code assigned to a Safe at Home Program participant upon acceptance into the Safe at Home Program which

is to be used for identification purposes when registering to vote or when voting.

AUTHORITY: section 589.681, RSMo 2016. Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expired Feb. 28, 2008. Original rule filed Aug. 17, 2007, effective Feb. 29, 2008. Emergency amendment filed Sept. 9, 2016, effective Sept. 19, 2016, expired March 17, 2017. Amended: Filed Sept. 9, 2016, effective March 30, 2017. Emergency amendment filed Aug. 23, 2018, effective Sept. 2, 2018, expires Feb. 28, 2019. An emergency amendment and a proposed amendment covering this same material will be published in the October 1, 2018, issue of the Missouri Register.

15 CSR 30-70.020 Application Assistant Training, Registration, and Renewal. The secretary of state is amending sections (2), (4), and (5).

(1) All application assistants shall be trained and registered by the secretary in order to participate in the program.

(2) The application assistant may only be registered when the prospective application assistant—

(A) Is an employee or volunteer with a qualified agency and can confirm to the secretary relevant qualifications to work with victims of domestic violence, rape, sexual assault, human trafficking, stalking, or other crimes;

(B) Successfully completes a program orientation and training session sponsored by the secretary;

(C) Completes an application assistant agreement form provided by the secretary. The application assistant agreement form, 2018, incorporated herein by reference, is published by the Missouri Secretary of State, PO Box 1767, Jefferson City, MO 65102-1767. This form does not include any amendments or additions. The form is available at the secretary of state's office or may be obtained by email to safeathome@sos.mo.gov or by mailing a written request to Safe at Home, PO Box 1409, Jefferson City, MO 65102-1409;

(D) Agrees to adhere to the policies, procedures, and directions provided by the program manager for rendering assistance to program applicants;

(E) Agrees to adhere to the instructions and terms provided in the application assistant agreement including the obligation to notify the secretary of any change of employment; and

(F) Registers with the secretary as a voter registration solicitor on a form provided by the secretary, if the prospective application assistant would otherwise be required to register as a voter registration solicitor under section 115.205 RSMo.

(3) Application assistant registration shall be valid for two (2) years, unless terminated sooner as provided in these rules.

(4) The application assistant shall agree not to discriminate against any client, or potential program participant pursuant to Missouri law.

(5) The application assistant performing under this contract is not deemed to be an employee of the secretary or an agent of the secretary in any manner whatsoever. The application assistant will not hold oneself out as, nor claim to be an officer or employee of the secretary or of the state of Missouri simply by holding the title of program application assistant and will not make any claim, demand, or application to or for any right or privilege applicable to an officer or employee of the secretary or of the state of Missouri.

(6) An application assistant's registration may be terminated by the secretary for failing to abide by any requirement in this rule or for failing to act in accordance with requirements of the program.

AUTHORITY: section 589.681, RSMo 2016. Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expired Feb. 28, 2008. Original rule filed Aug. 17, 2007, effective Feb. 29, 2008. Emergency amendment filed Sept. 9, 2016, effective Sept. 19, 2016, expired March 17, 2017. Amended: Filed Sept. 9, 2016, effective March 30, 2017. Emergency amendment filed Aug. 23, 2018, effective Sept. 2, 2018, expires Feb. 28, 2019. An emergency amendment and a proposed amendment covering this same material will be published in the October 1, 2018, issue of the Missouri Register.

15 CSR 30-70.030 Program Participant Application and Certification Process. The secretary of state is amending sections (1) and (3)–(7).

(1) An applicant to the program shall complete and sign the standard application form provided by the secretary and provide all the information required under section 589.663 RSMo and these rules. The standard application form shall include, but not be limited to, the date the application was prepared; the applicant's signature; and the signature and registration number of the application assistant who assisted the applicant in applying to become a program participant, as provided in section 589.663 RSMo; a designation of the secretary as agent for purposes of service of process and for receipt of first-class mail, legal documents, and certified mail; a signed statement that the applicant has good reason to believe that the applicant is a victim as defined by the statute or resides in the same household as a victim and fears future harm; a mailing address where the applicant may be contacted by the secretary and the telephone number or numbers where the applicant may be called by the secretary; and one (1) or more address(es) that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household. The applicant shall be provided the option to sign a form authorizing the secretary, or the secretary's designee, to open and review legal documents addressed to the program participant at the designated address, including, but not limited to, summonses, writs, demands, notices, or service of process that are delivered by personal service, certified mail, or United States Postal Service before forwarding such documents to the participant, to enable the secretary to notify the participant if an immediate response is required from the participant. The applicant may attach any relevant supporting documentation such as police reports or court documents to the application. The program participant application form, 2018, incorporated herein by reference, is published by the Missouri Secretary of State, PO Box 1767, Jefferson City, MO 65102-1767. This form does not include any amendments or

additions. The form is available at the secretary of state's office or may be obtained by email to safeathome@sos.mo.gov or by mailing a written request to Safe at Home, PO Box 1409, Jefferson City, MO 65102-1409.

(2) The application assistant who assists the applicant shall provide the applicant with the opportunity to register to vote or to change the name or address on the applicant's voter registration record on forms provided by the secretary. The completed voter registration application shall not contain the applicant's address. The completed voter registration application shall be transmitted to the secretary with the applicant's completed program application.

(3) The application assistant who assists the applicant shall forward by first-class mail or by facsimile transmission (FAX) the completed application to the program manager of the secretary within twenty-four (24) hours of completion. If the application is forwarded by FAX the application assistant shall also mail the original application to the secretary. The application assistant shall not keep a copy of the completed application. The secretary shall provide return envelopes and a FAX number to application assistants to expedite return of the program applications.

(4) A properly completed application shall be effective on the day that it is certified by the program manager. The program manager shall, within five (5) business days of receipt of a completed application, either certify the applicant for participation in the program or notify the applicant of the reason(s) why the applicant was not certified.

(5) An individual who is certified as a program participant shall be issued an authorization card/letter which includes the participant's name, authorization code, designated address, voter code, signature, and certification expiration date immediately upon certification by the program manager.

(6) The term of a program participant's certification shall be four (4) years following the certification date of the application unless the certification is withdrawn by the participant or canceled by the secretary before that date pursuant to section 589.666, RSMo or these rules. The program manager shall send a program participant notification of an expiring certification and a renewal form not later than four (4) weeks prior to the expiration of the program participant's certification.

(7) If there is a change in the program participant's name, mailing address, or other address from the one (1) listed on the application, the program participant shall notify the program manager of such change within ten (10) days of the change on a form prescribed by the secretary.

AUTHORITY: section 589.681, RSMo 2016. Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expired Feb. 28, 2008. Original rule filed Aug. 17, 2007, effective Feb. 29, 2008. Emergency amendment filed Sept. 9, 2016, effective Sept. 19, 2016, expired March 17, 2017. Amended: Filed Sept. 9, 2016, effective March 30, 2017. Emergency amendment filed Aug. 23, 2018, effective Sept. 2, 2018, expires Feb 28, 2019. An emergency amendment and a proposed amendment covering this same material will be published in the October 1, 2018, issue of the Missouri Register.

15 CSR 30-70.040 Cancellation of Program Certification. The secretary of state is amending sections (1), (2), (4), and (5).

(1) Program certification shall be canceled if any of the following occur:

- (A) The program participant fails to notify the program manager in writing signed by the participant of a change in the program participant's name or mailing address within ten (10) business days of the change; or
- (B) The participant relocates outside of the state of Missouri; or
- (C) The applicant or program participant violates subdivision (2) of section 589.663.

(2) Upon notification of cancellation of a participant's program certification, the program participant shall immediately destroy the authorization card/letter by cutting it into at least two (2) pieces and returning the pieces to the program manager.

(3) If certification for the program is canceled based on one (1) of the conditions set forth in section 589.666, RSMo or this rule, the program manager shall notify the program participant of the cancellation and the reasons for the cancellation by mail addressed to the participant's last known mailing address not less than two (2) weeks before the date that the cancellation will be effective.

(4) A program participant whose certification has been canceled, withdrawn, or expired may reapply for certification.

(5) The secretary shall not make a former program participant's address available for inspection or copying except as provided for by sections 589.664, 589.672, and 589.675, RSMo.

AUTHORITY: section 589.681, RSMo 2016. Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expired Feb. 28, 2008. Original rule filed Aug. 17, 2007, effective Feb. 29, 2008. Emergency amendment filed Aug. 23, 2018, effective Sept. 2, 2018, expires Feb 28, 2019. An emergency amendment and a proposed amendment covering this same material will be published in the October 1, 2018, issue of the Missouri Register.

15 CSR 30-70.050 Exercise of Program Participant's Privileges. The secretary of state is amending sections (1)–(6).

(1) A program participant shall request that a court or government agency use the designated address assigned by the secretary as the participant's address at the time of creation of any new record.

(2) A program participant shall show the authorization card/letter to the court or government agency official creating a new record and request address confidentiality through use of the designated address. The designated address shall appear on the program participant's authorization card/letter.

(3) Authorized court or government agency personnel may make a file photocopy of the authorization card/letter and shall immediately return the authorization card/letter to the program participant.

(4) A court or government agency shall accept the designated address unless the agency has received a written record disclosure

determination from the secretary under section 589.669 or 589.672, RSMo and these rules.

(5) A court or government agency shall not question the program participant about the details or circumstances of the participant's inclusion in the program. Rather, the court or agency shall accept the determination made by the secretary that the participant is a certified program participant.

(6) Authorized court or government agency personnel may request verification from the secretary of a program participant's residency in a geographic service district where such information is necessary to determine eligibility for agency services for the program participant or the participant's minor children, including but not limited to, the verification of the participant's residence in a school or library district. Such requests shall be made in writing to the secretary of state and include the participant's name, authorization number, and the identified geographic area or service district where the participant must reside to receive services from the agency, or the request may be made on a form prescribed by the secretary. The secretary may respond verbally to such requests and confirm residency in the district without disclosing the program participant's address.

AUTHORITY: section 589.681, RSMo 2016. Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expired Feb. 28, 2008. Original rule filed Aug. 17, 2007, effective Feb. 29, 2008. Emergency amendment filed Aug. 23, 2018, effective Sept. 2, 2018, expires Feb 28, 2019. An emergency amendment and a proposed amendment covering this same material will be published in the October 1, 2018, issue of the Missouri Register.

15 CSR 30-70.060 Service of Process. The secretary of state is amending section (2).

(1) The secretary shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served.

(2) Service on the secretary of any such summons, writ, demand, notice, or process shall be made by mailing to Safe at Home - PO Box 1409, Jefferson City, MO, 65102 or by hand delivering to the secretary located at 600 West Main Street, Jefferson City, MO, 65101, two (2) copies of the summons, writ, notice, demand, or process.

(3) If a summons, writ, notice, demand, or process is served on the secretary, the secretary shall immediately forward a copy to the program participant at the participant's current mailing address as shown on the records of the program by certified mail.

(4) The secretary shall maintain, in the program participant's file, a record of all summonses, writs, notices, demands, and processes served upon the secretary for that participant. The secretary shall include in the file the date of such service and the secretary's action upon receipt of service.

AUTHORITY: section 589.681, RSMo 2016. Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expired Feb. 28, 2008. Original rule filed Aug. 17, 2007, effective Feb. 29, 2008. Emergency amendment filed Aug. 23, 2018, effective Sept. 2, 2018, expires Feb 28, 2019. An emergency amendment and a proposed amendment covering this same material will be published in the October 1, 2018, issue of the Missouri Register.

15 CSR 30-70.070 Program Participant Renewal. The secretary of state is amending sections (1)–(3).

(1) A program participant may renew program participation by filing a properly completed renewal form with the program manager. The renewal form shall be sent to the participant with the notification of lapsing certification required by section 589.663, RSMo and these rules at least four (4) weeks before the expiration of the participant's current certification.

(2) The program manager shall certify a program participant, who has filed a properly completed certification renewal form, to participate in the program for an additional four- (4-) year term unless the certification is withdrawn or canceled before that date. The renewal need only be signed by the participant and need not be made before an application assistant.

(3) Upon receipt of a properly completed renewal form, the program manager shall issue to the program participant a new authorization card/letter which includes the program participant's name, authorization code, voter code, designated address, signature, and new certification expiration date. Upon receipt of the new authorization card/letter, the participant shall destroy the expired card.

AUTHORITY: section 589.681, RSMo 2016. Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expired Feb. 28, 2008. Original rule filed Aug. 17, 2007, effective Feb. 29, 2008. Emergency amendment filed Aug 23, 2018, effective Sept. 2, 2018, expires Feb 28, 2019. An emergency amendment and a proposed amendment covering this same material will be published in the October 1, 2018, issue of the Missouri Register.

15 CSR 30-70.080 Agency Disclosure Request. The secretary of state is amending sections (1), (2), (5), and (6).

(1) The director or equivalency of a government agency or the designee of the director or equivalency requesting disclosure of a program participant's address under sections 589.669 and 589.672, RSMo, must —

(A) Provide the following information in writing to the secretary:

1. Identification of the statute or administrative rule which demonstrates the agency's bona fide requirement and authority for the use of the address and mailing address of an individual or individuals;
2. Identification of the specific program participant whose address is requested;
3. Identification of the individuals who will have access to the record or records; and
4. An explanation of why the agency cannot meet its statutory or administrative obligations by changing its procedures or rules; or

(B) Submit the request on a form prescribed by the secretary.

(2) The secretary shall review an agency's request for disclosure. The secretary shall attempt to notify the program participant of

the request for disclosure using the last known contact information of the participant.

(3) During the review and evaluation or reconsideration of an agency's disclosure request, the agency shall accept the use of a program participant's designated address.

(4) The secretary's determination to grant or deny a disclosure request shall be based on, but not limited to, an evaluation of the information provided under this rule in conformance with the statutory standard of a bona fide statutory or administrative requirement for the use of a program participant's address and mailing address.

(5) If the secretary determines that an agency has a bona fide statutory or administrative requirement for the use of a program participant's address and that the address will be used only for those statutory and administrative purposes, the secretary may issue a written disclosure order for the agency. The secretary shall inform the program participant of the disposition of the request for disclosure using the last known contact information. When granting disclosure, the secretary may include:

(A) Any obligations for the agency to maintain the confidentiality of a program participant's address information;

(B) Any limitations on use and access to that address information;

(C) Any term during which the disclosure is authorized for the agency;

(D) Any designation of the record format on which the address information may be maintained;

(E) Any designation of an address information disposition date after which the agency may no longer maintain a record of the address information. The agency shall notify the secretary in writing of the disposition; and

(F) Any other provisions and qualifications determined appropriate by the secretary.

(6) When a program participant requests use of the designated address in a record, and the agency has received a disclosure order for that record from the secretary—

(A) The agency shall immediately provide a copy of the written order to the requesting program participant; and

(B) The agency shall notify the program manager of the occurrence and denial of the program participant's request.

(7) The secretary's denial of an agency disclosure request shall be made in writing and include a statement of the specific reasons therefore.

(8) An agency may seek reconsideration of the denial of its request by resubmitting its written request within sixty (60) days of the issuance of a denial. The request shall be accompanied by additional information and an explanation of corrective action taken to alleviate concerns and considerations included in the

secretary's denial determination. Final administrative determination shall be made by the secretary.

AUTHORITY: section 589.681, RSMo 2016. Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expired Feb. 28, 2008. Original rule filed Aug. 17, 2007, effective Feb. 29, 2008. Emergency amendment filed Aug. 23, 2018, effective Sept. 2, 2018, expires Feb 28, 2019. An emergency amendment and a proposed amendment covering this same material will be published in the October 1, 2018, issue of the Missouri Register.

15 CSR 30-70.090 Disclosure to Law Enforcement. The secretary of state is amending sections (1), (2), (4), and (5).

(1) A law enforcement agency requesting a program participant's address under section 589.672, RSMo, must provide the request to the secretary. The law enforcement agency must—

(A) Provide the following information in writing to the secretary:

1. The reason the address is required by that law enforcement officer or agency;

2. Identification of the specific program participant whose address is requested;

3. Identification of the individuals who will have access to the record;

4. An explanation of why the law enforcement agency cannot meet its obligations by changing its procedures or rules; and

5. Identification of the requesting individual's direct supervisor and contact information for that supervisor; or

(B) In the event of an emergency that requires immediate disclosure, as determined by the secretary, verbally provide all of the requirements of (1)(A)1.–5. as well as the emergency circumstances that necessitate the immediate disclosure of information; or

(C) Submit the request on a form prescribed by the secretary.

(2) The secretary shall review the request. The secretary shall attempt to notify the program participant of the request for disclosure using the last known contact information of the participant.

(3) The secretary's determination to grant or deny a disclosure request shall be based on, but not limited to, an evaluation of the information provided under this rule.

(4) If the secretary determines that a law enforcement agency has a bona fide requirement for the use of a participant's address and that the address will be used only for the purpose of satisfying that requirement, the secretary may issue a written or verbal disclosure order for the law enforcement agency. A written record shall be maintained of the facts relating to a verbal order. The secretary shall inform the program participant of the disposition of the request for disclosure using the last known contact information of the participant. When granting the request, the secretary may include:

(A) Any obligation for the law enforcement agency to maintain the confidentiality of a program participant's address information;

(B) Any limitations on use and access to that address information;

(C) Any term during which the disclosure is authorized for the law enforcement agency;

(D) Any designation of the record format on which the address information may be maintained;

(E) Any designation of an address information disposition date after which the law enforcement agency may no longer maintain a record of the address information. The law enforcement agency shall notify the secretary in writing of the disposition; and

(F) Any other provisions and qualifications determined appropriate by the secretary.

(5) When a program participant requests use of the designated address in a record, and the law enforcement agency has received a written disclosure order for that record from the secretary—

(A) The law enforcement agency shall immediately provide a copy of the written order to the requesting program participant; and

(B) The law enforcement agency shall notify the program manager of the occurrence and denial of the program participant's request.

(6) The secretary's denial of a law enforcement agency's disclosure request shall be made in writing and include a statement of the specific reasons therefore.

(7) A law enforcement agency may seek reconsideration of the denial of its request by resubmitting its request within sixty (60) days of the issuance of a denial. The request shall be accompanied by additional information and an explanation of corrective action taken to alleviate concerns and considerations included in the secretary's denial determination. Final administrative determination shall be made by the secretary.

AUTHORITY: section 589.681, RSMo 2016. Emergency rule filed Aug. 17, 2007, effective Aug. 28, 2007, expired Feb. 28, 2008. Original rule filed Aug. 17, 2007, effective Feb. 29, 2008. Emergency amendment filed Aug. 23, 2018, effective Sept. 2, 2018, expires Feb 28, 2019. An emergency amendment and a proposed amendment covering this same material will be published in the October 1, 2018, issue of the Missouri Register.